UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/NGO/24
1 February 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-sixth session
Item 18 of the provisional agenda

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 December 1999]

GE.00-10504 (E)

Colombia

1. The field office of the United Nations High Commissioner for Human Rights in Bogotá has been an important mechanism to pressure the Government for change. Despite its strenuous efforts to assist the Government in improving Colombia's deplorable human rights situation, the office reported in 1999 that its recommendations had largely not been implemented. The Government was particularly slow to adopt key reforms aimed at breaking ties between the military and paramilitary groups. Part of the problem appeared to be that the civilian Government officials with whom the office met regularly lacked effective power to carry out the reforms. The Government did take some steps towards purging the military of suspected human rights abusers - cashiering General Rito Alejo del Río and General Fernando Millán - yet other reforms fell far short of what was necessary.

2. Budget issues apparently hampered the work of the field office, jeopardizing the financing of certain staff positions. Efforts should be made to streamline funding for the office so that staff are assured of being able to remain for sufficient time in Colombia to conduct their missions effectively. Also, in the view of Human Rights Watch, the office should allocate more staff time to field research in Colombia.

3. The Working Group on Enforced or Involuntary Disappearances continued to transmit to the Government new cases of "disappearances", most of which had been carried out by paramilitary groups. A bill that criminalized forced disappearances finally passed in November 1999, but was weakened significantly before being approved. Human Rights Watch would like the Working Group to review and analyse the law and recommend any necessary revisions. We are particularly concerned that the law may allow certain human rights violations to be excused as "service-related acts".

4. The High Commissioner for Human Rights visited Colombia in October 1998, meeting the President as well as high government ministers. Her visit was extensively covered in the Colombian press, which gave wide dissemination to her statements in support of human rights. During 1999, the High Commissioner continued to draw attention to the human rights situation in Colombia; her strong statements regarding military complicity in paramilitary abuses were useful in making these abuses known to a broad public.

5. Other high-ranking United Nations officials also paid significant attention to Colombia in 1999. Francis Deng, Representative of the Secretary-General on internally displaced persons, who had previously visited Colombia in 1994, was prompted to return in May 1999 because of the increase in forced displacement. In addition to government meetings, Mr. Deng held a workshop on the Guiding Principles on Forced Displacement, a useful means of familiarizing Colombian NGOs with these standards.

6. Also in May, Olara A. Otunnu, Special Representative of the Secretary-General for Children and Armed Conflict, toured Colombia. During his trip he met with government officials, NGO representatives and guerrilla leaders. Although Mr. Otunnu announced after his visit that the Fuerzas Armadas Revolucionarias de Colombia (FARC) had agreed to cease recruiting children under the age of 15, the group quickly disputed his claim, asserting that they would continue to "accept" children who chose to join their ranks.

7. Human Rights Watch applauds the high level of attention accorded to Colombia by United Nations human rights experts and mechanisms. Because of the severity of the country's human rights abuses, we recommend that the United Nations intensify its efforts to promote reform in Colombia. In addition to the continued efforts of the officials mentioned above, a visit to Colombia by the Special Rapporteur on extrajudicial, summary or arbitrary executions would be valuable in drawing attention to that problem.

Kosovo

8. The entry of the Kosovo Force (KFOR) into Kosovo led by the North Atlantic Treaty Organization (NATO) on 12 June 1999 signalled the end of the brutal campaign of violence by Serbian security forces against ethnic Albanian civilians in the province. The Security Council resolution that authorized KFOR's deployment also established the United Nations Interim Administration Mission in Kosovo (UNMIK) with wide-ranging responsibilities, including the establishment of a police force and judiciary, and human rights protection. Primary responsibility for human rights is shared between the United Nations Special Adviser to the head of UNMIK and the Organization for Security and Cooperation in Europe (OSCE) mission in Kosovo. The Office of the High Commissioner for Human Rights (OCHCR) is also active in the province.

9. The large number of actors in the field of human rights in Kosovo reflects a new commitment by the international community to place human rights at the centre of its peacebuilding efforts. International agencies dealing with human rights have responded by producing high-quality public reporting on human rights abuses, based on their day-to-day monitoring throughout the province, including the October report of the Special Rapporteur on the situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina and the December report by OSCE on post-war abuses. These entities have also developed mechanisms to address specific human rights concerns: in mid-June, the office of the United Nations High Commissioner for Refugees (UNHCR) and OSCE established an Ad Hoc Task Force on Minorities, which includes representatives from UNMIK, OHCHR, KFOR and the International Police Task Force. The Task Force, which meets weekly, has produced three reports on the situation of minorities in post-war Kosovo and works to develop solutions to enhance security for at-risk populations. Emphasis is also placed on the promotion of human rights, notably through training of police officers and judges.

10. The initiatives described above symbolize the place that human rights now occupy in interventions by the international community. In particular, the willingness to report abuses publicly is a particularly positive development that has frequently been lacking from international peacebuilding efforts in the former Yugoslavia and elsewhere in the world. Greater consultation between international civilian and military agencies on human rights questions has proved fruitful. It is also important to note that the departure of Serbian military, police and paramilitaries from Kosovo brought an end to the multiple killing and mass expulsion of Kosovar Albanian civilians.

11. The replacement of Serbian security forces in Kosovo with a NATO-led multinational peacekeeping force did not end gross violations of human rights in the province, however

Whereas Kosovar Albanians were the target of massive abuses by Serbian and Yugoslav security forces during 1998 and especially the first six months of 1999, since 12 June, Kosovo's Serb, Roma and other minority populations have borne the brunt of the violence. Almost 250,000 minorities have fled the province since June. Many of those who have remained have fled into mono-ethnic enclaves under KFOR protection. A wave of arson and looting of Serb and Roma homes followed the exit of Serbian forces from Kosovo. Beatings and detentions are commonplace. Most seriously, scores of Serbs and Roma have been abducted and murdered. Elderly persons have been particularly targeted. Investigations by Human Rights Watch and OSCE indicate the involvement of units of the now-disbanded Kosovo Liberation Army (KLA) in attacks on civilians. Nor has violence been confined to ethnic minorities - Albanians regarded as collaborators, members of opposition parties, Albanian Catholics and the elderly have also been the victims of political violence and criminal acts.

12. There is no doubt that the agencies dealing with human rights in Kosovo take very seriously the challenge posed by the post-war abuses against minorities. As noted above, the rapid establishment of the Ad Hoc Task Force on Minorities and accurate and public reporting demonstrate the willingness of civilian agencies in Kosovo to try and tackle human rights abuses, irrespective of the ethnicity or political status of the victim. Although organizations charged with human rights protection can perhaps be criticized for their reluctance to attribute blame for the violence during the crucial period of June and July, their efforts to place the protection of minorities at the centre of international peacekeeping and policing efforts in Kosovo deserve praise.

13. The response of international military and police has been less impressive. The NATO-led Kosovo Force has taken some measures to create a secure environment for minorities in Kosovo and tackle the climate of lawlessness, but lack of training in civilian policing, differing interpretation of mandates between contingents, force protection concerns and, above all, an unwillingness to confront the KLA militarily have limited its ability to create a secure environment for all citizens in Kosovo. KFOR's efforts have been hampered by the slow deployment of United Nations international civilian police and disagreements over applicable law and the re-establishment of a court system. Six months after the deployment of UNMIK, there is still no functioning judiciary to punish the crimes that are taking place on a daily basis.

14. Ultimate responsibility for the inadequate international response to the widespread human rights abuses in Kosovo since June rests with NATO and States Members of the United Nations, who appear to lack the political will to afford the same priority to ending post-war abuses that was given to ending the earlier killing and expulsion of Kosovar Albanians. Although accurate reporting and civilian coordination play a critical role, the experience of post-war Kosovo demonstrates that human rights abuses can only be checked with a concomitant commitment by, and support for peacekeepers and international civilian police to restore law and order and hold abusers accountable.